



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

FEB 25 2005

Frances Mattivi
Apex Healthcare, Inc.
440 Quadrangle Drive, Suite B
Bolingbrook, Illinois 60440

RE: MUR 5405

Dear Mr. Mattivi:

On February 8, 2005, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act."), by permitting Apex Healthcare, Inc. to reimburse you for a contribution you made to a federal political committee. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission admonishes you and reminds you that making contributions in the name of another violates Section 441f of the Act. You should take steps to ensure that this activity does not occur in the future.

There is a federal statute, 2 U.S.C. § 437g(a)(12), requiring all persons to keep confidential enforcement proceedings conducted by the Federal Election Commission, except with the written consent of the person who is the subject of the enforcement proceeding. This means that unless you have such written consent, you should not publicly disclose the existence of an ongoing Commission enforcement proceeding or the fact that the Commission has contacted you in connection with this matter. This restriction, however, does not prevent you from discussing the underlying facts and circumstances with any person, including the subject of the enforcement proceeding or their counsel. Also please note that respondents have an obligation to preserve all documents, records and materials relating to this matter.

25044111767

Frances Mattivi
MUR 5405
Page 2

The Commission will notify you when the entire file has been closed. If you have any questions, please contact Adam Schwartz, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Michael E. Toner
Vice Chairman

Enclosure
Factual and Legal Analysis

25044111768

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Frances Mattivi

MUR 5405

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Gerald Jaecks. *See* 2 U.S.C. § 437g(a)(1).

II. FACTUAL SUMMARY

Frances Mattivi is an employee at Apex Healthcare, Inc. ("APEX"). Available information indicates that on one occasion in 2002, James Chao, the President and sole shareholder of APEX, asked Mr. Mattivi to write a personal check to a specific political committee with the promise that Mr. Chao would reimburse the contribution. Mr. Mattivi reportedly agreed to contribute based on the belief that Chao did not want other political candidates to know how much money he was contributing. Mr. Mattivi contributed \$1,000 to Citizens for Mark Shriver on September 6, 2002. APEX, through James Chao, reimbursed Mr. Mattivi for this contribution.

III. LEGAL ANALYSIS

Mr. Mattivi made a contribution to a federal campaign committee with assurances from James Chao that he would reimburse the contribution.

The Federal Election Campaign Act of 1971, as amended (the "Act"), prohibits any person from knowingly permitting his or her name to be used to effect a contribution in the name of another person. *See* 2 U.S.C. § 441f. By accepting reimbursement from APEX for his

25044111769

contribution, Mr. Mattivi knowingly permitted his name to be used to effect a contribution in the name of another in violation of 2 U.S.C. § 441f.

IV. CONCLUSION

Accordingly, there is reason to believe that Frances Mattivi violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a contribution in the name of another.

25044111770